

Exhibit 2

Davis, Keith B.

From: Davis, Keith B.
Sent: Thursday, December 10, 2020 8:05 AM
To: 'Isaac Rabicoff'
Cc: Galvan, Hilda C.
Subject: RE: WSOU v. NEC Corp. Case Nos. 6:20-cv-00923, -00924, -00925, -00926, and -00927 (E.D. Tex.) (Albright, J.)
Attachments: Executed - WSOU v. NEC Waiver 20-923.pdf; Executed - WSOU v. NEC Waiver 20-924.pdf; Executed - WSOU v. NEC Waiver 20-925.pdf; Executed - WSOU v. NEC Waiver 20-926.pdf; Executed - WSOU v. NEC Waiver 20-927.pdf

Hi Isaac,

Briefly following up on our emails yesterday, attached please find executed waivers of service for each of the five cases. Thanks for your cooperation as we provide these to you.

We also saw that WSOU filed motions to withdraw its motions for leave for alternative service. Thank you for going ahead and doing so, we appreciate it. Just as a heads up, WSOU may still file very short oppositions to the motions for leave for alternative service, given that the Court may not act on your withdrawal motions today. If NEC does, the oppositions will confirm to the Court that NEC has now provided the executed waivers to you per this email.

Best,

Keith

Keith Davis ([bio](#))
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Email kbdavis@jonesday.com

From: Davis, Keith B.
Sent: Wednesday, December 9, 2020 11:07 AM
To: 'Isaac Rabicoff' <isaac@rabilaw.com>
Cc: Galvan, Hilda C. <hcg galvan@jonesday.com>
Subject: RE: WSOU v. NEC Corp. Case Nos. 6:20-cv-00923, -00924, -00925, -00926, and -00927 (E.D. Tex.) (Albright, J.)

Thanks, Isaac. Much appreciated.

Very best,

Keith

Keith Davis [\(bio\)](#)

Partner

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Email kbdavis@jonesday.com

From: Isaac Rabicoff <isaac@rabilaw.com>

Sent: Wednesday, December 9, 2020 11:03 AM

To: Davis, Keith B. <kbdavis@JonesDay.com>

Cc: Galvan, Hilda C. <hcgalan@JonesDay.com>

Subject: Re: WSOU v. NEC Corp. Case Nos. 6:20-cv-00923, -00924, -00925, -00926, and -00927 (E.D. Tex.) (Albright, J.)

**** External mail ****

Keith:

Got it-- I'll ask my client and let you know if there's any issue with it. If not, we'll simply move forward with withdrawing the Motion.

Isaac Rabicoff

Rabicoff Law LLC

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773.669.4590

On Wed, Dec 9, 2020 at 10:45 AM Davis, Keith B. <kbdavis@jonesday.com> wrote:

Hi Isaac,

Due to the time needed to review and execute the waiver requests once they are received, as well as for NEC to do the same, I think that is unlikely. The time difference alone between here and Japan makes this turnaround very difficult. Further, as you know, Fed. R. Civ. P. 4(d)(1)(F) "give[s] the defendant a reasonable time of at least 30 days after the request was sent—or at least 60 days if sent to the defendant outside any judicial district of the United States—to return the waiver." I don't anticipate it taking this amount of time for NEC to review and return the waiver, but we certainly may need and are entitled to more than 1 day. Nor do we believe it appropriate to attempt to use alternative service as a means to prevent NEC from having "a reasonable time" to review the waiver request once sent under the rules. That said, I don't have any problem with WSOU's informing the Court that NEC has represented that it will agree to waive service of process and that the parties are currently working through that process. I would hope that will suffice for your client, and I certainly think it will for the Court.

Best,

Keith

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From: Isaac Rabicoff <isaac@rabilaw.com>
Sent: Wednesday, December 9, 2020 9:30 AM
To: Davis, Keith B. <kbdavis@JonesDay.com>
Cc: Galvan, Hilda C. <hcgaltan@JonesDay.com>
Subject: Re: WSOU v. NEC Corp. Case Nos. 6:20-cv-00923, -00924, -00925, -00926, and -00927 (E.D. Tex.) (Albright, J.)

**** External mail ****

Keith:

If we send you the waivers this morning, is there any chance you wouldn't be able to return them signed today?

My client has authorized us to withdraw the motions at that point, so we can accurately inform that court that service has been waived.

Isaac Rabicoff

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On Wed, Dec 9, 2020 at 10:26 AM Davis, Keith B. <kbdavis@jonesday.com> wrote:

Thanks, Isaac. We appreciate it and look forward to receiving the waivers.

Regarding timing, we believe the pending motions are already mooted in light of NEC having agreed to waive service of process and my corresponding representation on NEC's behalf. As a result, we ask that you proceed to withdraw the motions today, so that the Court might act on your request before tomorrow. That would avoid the unnecessary time and cost of us having to file any responsive papers with the Court. We will endeavor to get the waivers signed and returned once we receive them from you, but we believe that process should not hold up WSOU's withdrawing its pending motions given that you agree the signed waivers will moot those motions. As a result, if you could please confirm that you'll proceed forward today to withdraw your motions, we would appreciate it.

Thanks,

Keith

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From: Isaac Rabicoff <isaac@rabilaw.com>

Sent: Wednesday, December 9, 2020 9:16 AM

To: Davis, Keith B. <kbdavis@JonesDay.com>

Cc: Galvan, Hilda C. <hcg galvan@JonesDay.com>

Subject: Re: WSOU v. NEC Corp. Case Nos. 6:20-cv-00923, -00924, -00925, -00926, and -00927 (E.D. Tex.) (Albright, J.)

**** External mail ****

Keith:

Thanks for reaching out. We would agree to withdraw our motions for alternative service upon receiving the signed waivers from NEC in these 5 actions -- we agree that the motions would become mooted.

We'll send over the waivers today.

Isaac Rabicoff

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On Wed, Dec 9, 2020 at 9:51 AM Davis, Keith B. <kbdavis@jonesday.com> wrote:

Dear Mr. Rabicoff,

I hope you are well. I am writing because Jones Day is representing NEC Corp. ("NEC") regarding the above-captioned matters that have been filed by WSOU Investments, LLC ("WSOU"). Our understanding is that in each of these matters, WSOU has very recently filed a motion for leave to effect alternative service on NEC. I am writing to inform you that in these matters, WSOU is willing to waive service of process under Fed. R. Civ. P. 4(d), without prejudice to any of the defenses that NEC may raise when responding to WSOU's complaints.

Because NEC is willing to waive service of process, WSOU's motions for leave to effect alternative service should be withdrawn. WSOU's motions are moot in light of the fact that NEC is willing to waive service of process in these matters. Further, WSOU's motions were prematurely filed without any discussions with us as NEC's outside counsel about whether NEC would be willing to waive service of process. And, WSOU's motions were also prematurely filed by WSOU without any apparent attempt to first serve NEC through other already-available avenues such as through the Hague, which WSOU should have attempted before requesting leave for alternative service from the Court. But in any event, as already mentioned, there is no need for WSOU to seek alternative service given that NEC is willing to waive service of process in these matters.

In light of the above, please respond to this email today confirming that WSOU agrees to withdraw its pending motions for leave in each of the above matters. Relatedly, please confirm that WSOU will file papers in the above-pending matters withdrawing each of its pending motions for leave. We would ask that WSOU files these papers with the Court today as well. If for some reason you disagree and will not withdraw your pending motions for leave, please state the complete basis of your refusal to do so and let me know when you are available by telephone today so that we can further meet and confer on this issue. Finally, because NEC is willing to waive service of process, please send me via email at your convenience a waiver request for each of the above-captioned matters so that they can be executed and returned by NEC.

Thank you.

Best regards,

Keith

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